

JPA #90-90

A.G. #KR 90-2206

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
SANTA CRUZ COUNTY

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the **STATE OF ARIZONA**, acting by and through the **ARIZONA DEPARTMENT OF TRANSPORTATION**, hereinafter called "STATE", and **SANTA CRUZ COUNTY**, hereinafter called "COUNTY",

WHEREAS, the STATE is empowered by Section 28-108 to enter into this Agreement and the Director of the **ARIZONA DEPARTMENT OF TRANSPORTATION** has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the COUNTY is empowered by A.R.S. Section 11-251 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said COUNTY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in Santa Cruz County. This work shall consist of the installation of new traffic signals at the following location:

SR 189 at Congress Street
MP 3.21 - Santa Cruz County
Project H0489-04C F-032-1-503 189 SC 2

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 189 at Congress Street, MP 3.21 in Santa Cruz County.

2. The STATE will be responsible for any contractor claims for extra compensation attributable to State.

3. The COUNTY, upon completion of the work shall reimburse the State for 25% of the final construction and engineering costs on SR 189 at Congress Street, MP 3.21, not to exceed \$20,000 for its share of the cost of the work.

4. The COUNTY will be responsible for any contractor claims for extra compensation attributable to the County.

5. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

6. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S §38-511.

7. The provisions of A.R.S. §35-214 are applicable to this Agreement.

8. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

9. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the COUNTY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:


State Traffic Engineer

DATE:

August 29, 1990

SANTA CRUZ COUNTY

BY:



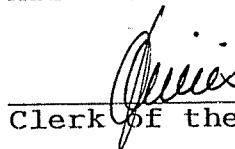
TITLE:

Chairman, Board of Supervisors

DATE:

July 3, 1990

ATTEST:


Clerk of the Board of Supervisors

BOARD OF SUPERVISORS
SANTA CRUZ COUNTY

CAMILO AHUMADA
District 1

ROBERT DAMON
District 2

RONALD R. MORRISS
District 3

ATTEST

I, Frances DeCillis, the duly appointed Clerk of the Board of Supervisors of Santa Cruz County, Arizona, do hereby certify that the following is a true and exact replica of that portion of the minutes of the Supervisors' meeting held Tuesday, July 3, 1990, in the County Complex, Nogales, AZ, in regard to the Intergovernmental Agreement between ADOT and Santa Cruz County:

Mr. Zehentner presented for approval the A.D.O.T. Intergovernmental Agreement concerning the installation of traffic signals on SR 189 at Congress St. (Drive), and Resolution #1990-23 enacting such agreement, at a cost not to exceed \$20,000 for the County share of the project. The Resolution was adopted under motion by Mr. Ahumada, second by Mr. Morriss; carried unanimously.

Dated this 3rd day of July, 1990.



Frances DeCillis
Clerk of the Board
Santa Cruz County, AZ

EXHIBIT "B"

APPROVAL OF THE SANTA CRUZ COUNTY ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and SANTA CRUZ COUNTY, and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 3rd day of July, 1990.

SANTA CRUZ COUNTY

BY:

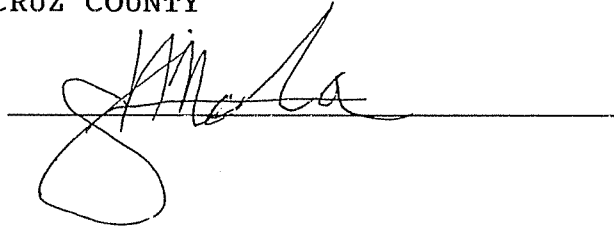
A handwritten signature in dark ink, appearing to be "Jim La", is written over a horizontal line. The signature is stylized with a large loop at the bottom.

EXHIBIT "A"

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SANTA CRUZ COUNTY MAKING A DETERMINATION THAT IT IS IN THE BEST INTEREST OF SANTA CRUZ COUNTY TO PARTICIPATE WITH THE STATE OF ARIZONA IN THE INSTALLATION OF TRAFFIC SIGNALS ON SR 189 AT CONGRESS DRIVE, AND AUTHORIZING THE SIGNING OF A PROPOSED CONSTRUCTION INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR SAID INSTALLATION OF TRAFFIC SIGNALS.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications consisting of the installation of new traffic signals be made on SR 189 at Congress Drive (MP 3.21) in Santa Cruz County; and

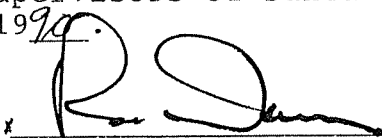
WHEREAS, such installation and/or modifications consisting of the installation of said traffic signals has been found to be justified by a signal warrant study conducted by the Arizona Department of Transportation; and

WHEREAS, Santa Cruz County is empowered by ARS 11-251 to enter into an agreement with the State of Arizona, acting by and through the Arizona Department of Transportation, to participate in the installation of said traffic signals;

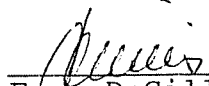
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Santa Cruz County that the participation of Santa Cruz County with the State of Arizona in the installation of traffic signals on SR 189 at Congress Drive (MP 3.21) in Santa Cruz County is hereby determined to be in the best interest of Santa Cruz County; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Santa Cruz County that the Chairman of the Board of Supervisors is hereby authorized to sign a proposed Construction Intergovernmental Agreement with the Arizona Department of Transportation for the installation of said traffic signals by which Santa Cruz County shall reimburse the State of Arizona for 25% of the final construction and engineering costs not to exceed \$20,000 for its share of the cost of this work.

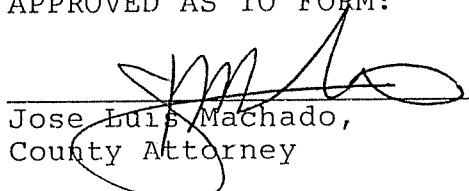
Passed and adopted by the Board of Supervisors of Santa Cruz County this 3rd day of July, 1990.


Robert Damon,
Chairman, Board of Supervisors

ATTEST:


Fran DeCillis,
Clerk of the Board

APPROVED AS TO FORM:



Jose Luis Machado,
County Attorney

CONSTRUCTION - TRAFFIC SIGNALS
SR 189 at Congress Street
PROJECT H0489-04C F-032-1-503 189 SC 2

SANTA CRUZ COUNTY

RESOLUTION

BE IT RESOLVED on this 18th day of June, 1990, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the **ARIZONA DEPARTMENT OF TRANSPORTATION**, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with **SANTA CRUZ COUNTY** for the installation of traffic signals and/or highway lighting justified by a signal warrant study. Santa Cruz County shall reimburse the STATE for 25% of the final construction and engineering costs not to exceed \$20,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



CHARLES L. MILLER, Director
ARIZONA DEPARTMENT OF TRANSPORTATION



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR 90-2206, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 24th day of August, 1990

ROBERT K. CORBIN
Attorney General

Joe Acosta

Assistant Attorney General
Transportation Division